

S/N 10/767,556

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	EDWIN RYAN	Examiner: Sarah K. Webb
Serial No.:	10/767,556	Group Art Unit: 3731
Filed:	January 29, 2004	Docket: 1775.001US1
Title:	SMALL GAUGE SURGICAL INSTRUMENT WITH SUPPORT DEVICE	

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Restriction Requirement mailed February 07, 2006, Applicant submits the following.

IN THE CLAIMS

1. (Original) An instrument, comprising:
 - a gripping portion;
 - a small diameter instrument portion extending from the gripping portion, the small diameter instrument portion having a length; and
 - a support member that engages the small diameter instrument portion along the length, providing lateral support, wherein an unsupported distal portion of the length is adjustable.
2. (Original) The instrument of claim 1, wherein the small diameter instrument portion includes a hollow tube portion.
3. (Original) The instrument of claim 1, wherein the support member includes a strut coupled to a cylinder that at least partially surrounds the small diameter instrument portion.
4. (Original) The instrument of claim 1, wherein the small diameter instrument portion is directly coupled to the gripping portion and the support member is movable relative to the gripping portion.
5. (Original) The instrument of claim 1, wherein the support member is directly coupled to the gripping portion and the small diameter instrument portion is movable relative to the gripping portion.
6. (Original) A vitrectomy instrument, comprising:
 - a gripping portion;
 - a small diameter instrument portion extending from the gripping portion, the small diameter instrument portion having a length;
 - support means to provide lateral support for the small diameter instrument portion along

the length; and

adjustment means for adjusting an amount of support for the small diameter instrument portion.

7. (Original) A vitrectomy instrument, comprising:

a gripping portion;

a small diameter instrument portion extending from the gripping portion, the small diameter instrument portion having a length;

a cylinder surrounding a part of the small diameter instrument portion along the length, the cylinder being slidable along the length;

a strut connected between the cylinder and the gripping portion to provide flexural support to at least part of the small diameter instrument portion, and to move the cylinder to various locations along the length; and

a control coupled to the strut.

8. (Original) The vitrectomy instrument of claim 7, wherein the small diameter instrument portion includes a 25 gauge instrument.

9. (Original) The vitrectomy instrument of claim 8, wherein the cylinder includes a 20 gauge cylinder portion.

10. (Original) The vitrectomy instrument of claim 7, wherein the cylinder and strut include stainless steel.

11. (Original) The vitrectomy instrument of claim 7, wherein the small diameter instrument portion is directly coupled to the gripping portion and the strut is movable relative to the gripping portion.

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12. (Original) The vitrectomy instrument of claim 7, further including a mechanism for selectively holding a location of the strut relative to the small diameter instrument portion.
13. (Original) A vitrectomy instrument, comprising:
a gripping portion;
a first hollow tube portion extending from the gripping portion;
a small diameter instrument portion sliding substantially within the first hollow tube portion, wherein a distal length of the small diameter instrument portion is exposed; and
a control coupled to the small diameter instrument portion to adjust an amount of the distal length.
14. (Original) The vitrectomy instrument of claim 13, wherein the first hollow tube portion is directly attached to the gripping portion.
15. (Original) The vitrectomy instrument of claim 13, wherein the control includes a thumb wheel that engages a toothed member on the small diameter instrument portion.
16. (Original) The vitrectomy instrument of claim 13, wherein the control includes a lever that is directly coupled to the small diameter instrument portion.
17. (Original) A method, comprising:
engaging a portion of an eye using a small diameter instrument portion;
providing lateral support to a distal end of the small diameter instrument portion;
imparting a lateral force on the eye at the distal end of the small diameter instrument portion; and
adjusting the position of lateral support relative to the small diameter instrument portion to allow deeper insertion of the small diameter instrument portion into the eye.

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18. (Original) The method of claim 17, wherein engaging the portion of the eye includes penetrating a portion of the surface of the eye through an incision.

19. (Original) The method of claim 17, wherein providing lateral support to the distal end of the small diameter instrument portion includes locating a strut adjacent to the small diameter instrument portion at a location along a length of the small diameter instrument portion.

20. (Original) The method of claim 17, wherein providing lateral support to the distal end of the small diameter instrument portion includes sheathing a portion of the small diameter instrument portion with a larger diameter tube.

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REMARKS

In the Restriction Requirement mailed February 07, 2006, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

Restriction Requirement

- I. Claims 1-16, drawn to a surgical instrument, classified in class 606, subclass 107.
- II. Claims 17-20, drawn to a method of penetrating an eye, classified in class 128, subclass 898.

Applicant elects, without traverse, Group I, claims 1-16. Applicant respectfully cancels claims 17-20 (Group II) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

Election of Species

The Restriction Requirement further makes an election of species requirement, specifically:

Species A – Figure 1

Species B – Figure 2

Applicant elects, without traverse, Species A, with corresponding claims 1-4 and 6-12.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

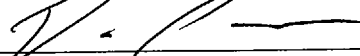
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

EDWIN RYAN

By their Representatives,


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Date 3-9-06 By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9th day of March, 2006.

PATRICIA A. HULTMAN

Name


Signature